PROCEEDINGS OF THE BACON SOCIETY.

No. III.

At a meeting of the Society, held at the rooms of the Society of British Artists, Suffolk-street, Pall Mall, on the 18th of April, 1887, Mr. Alaric Alfred Watts, Vice-President, in the Chair:—

The minutes of the last meeting were read and confirmed.

A paper was read by the Chairman on "Shakespeare the Lawyer." This title represents, however, only half of the writer's plan; the other half will be given in a subsequent paper on "Bacon the Poet."

After a brief discussion on this paper, in which Mr. Fearon, Mr. W. Scott Moncrieff, Mr. Theobald, and Mr. Watts took part, the Secretary, Mr. R. M. Theobald, read an account of the most recent intelligence concerning Mr. Donnelly's alleged cipher discovery in the 1623 folio edition of Shakespeare.

Afterwards the Secretary read a paper entitled "Bacon and Shakespeare on the Solace Derived from Contemplation," which was followed by a discussion by Mr. W. Scott Moncrieff and Mr. Watts.

After the reading of these papers the formal election of officers for the ensuing year was made. Mr. A. A. Watts was appointed President. Also Mr. R. M. Theobald was elected Secretary, in the room of Mr. Fearon, whose engagements would not permit him to give to the duties of this office the attention which it requires.

The names of Mr. Percy M. Wallace, Mr. Samuel Bealey, and Mr. Fearon were added to the General Committee. A detailed list of officers will be published in the ensuing number of this Journal, with a report for the past year and a financial statement.

The thanks of the meeting were voted to Mrs. Pott for the papers supplied relating to Mr. Donnelly's cipher, also to Mr. Watts as Chairman, and Mr. Theobald as Vice-chairman.

NOTE.

When reference is made in the pages of this Journal to the Plays and Poems of Shakespeare, the spelling—*Shakespeare*—is adopted, which was invariably employed on the title pages of the Quartos, the Folios, and the Poems, when they were originally issued. When, however, the man, William *Shakspere*, is referred to, his name is spelt in one of the many ways which he himself, or his family employed—and we select one of those attached to his will, and the one which is most usually accepted by the Editors of our own time. This, so far from being a question-begging procedure, is a matter of simple accuracy. To give to William Shakspere, or any of his family, the name Shakespeare, is a mistake. Among their many *aliases*, Shakespeare, so spelt, is curiously *not* included.

SHAKESPEARE, THE LAWYER; BACON, THE POET.

By Mr. A. A. Watts.

PART I.

A person to whom the theory should be presented for the first time that the Plays of Shakespeare were written by Bacon, would be very naturally inclined to say, Show me, if you can, the Law in Shakespeare, and the Poetry in Bacon.

The evidences of an extraordinary familiarity with Law on the part of the writer of the Shakespearian Dramas gave rise to the suggestion first put forward by Chalmers, and endorsed by Malone, that Shakespeare had been an attorney's clerk. This theory was adopted in later years by Mr. John Payne Collier, who availed himself of an acquaintanceship with the late Lord Campbell, formerly Lord Chief Justice of England, to obtain an opinion on the subject from this distinguished authority. Lord Campbell went into the matter with some care, and finally delivered judgment upon it in a letter addressed to Mr. Payne Collier, which he published in the form of a book in the year 1859, under the title of "Shakespeare's Legal Acquirements." This judgment—as is sometimes apt to be the case with the opinions of distinguished authorities on moot points—leaves the question at issue much where it was before: but not so the summing-up and the evidence. It deals with points bearing on the subject in three and twenty of the Plays, all illustrating legal knowledge or practical acquaintance with legal phraseology on the part of the writer. It is interesting and important to bear in mind that the theory that Bacon had written or was associated with the writing of these Plays, had evidently not presented itself to Lord Campbell. It may be doubted whether he knew of it. Mooted, for the first time, in this country, by Mr. W. H. Smith's letter to Lord Ellesmere in 1856, it had, in 1859, met with no public acceptance whatever. At all events Lord Campbell makes no allusion to it.

After some preliminary remarks, Lord Campbell commences

his illustrations with one derived from the *Merry Wives of Windsor*, in which Ford, under his assumed name of Master Brook, replies to Falstaff's question regarding his love for Mrs. Ford—"Of what quality was your love, then?"—in the following words:—

"Like a fair house built upon another man's ground; so that *I have lost my edifice, by mistaking the place where I erected it.*"

"This shows," says Lord Campbell, "in Shakespeare a knowledge of the law of real property not generally possessed. The unlearned would suppose that if, by mistake, a man builds a house on the land of another, he will, when he discovers his error, be permitted to remove the material. But Shakespeare knew better. He was aware that, being fixed to the freehold, the absolute property in the house belonged to the owner of the soil; and he recollected the maxim, '*Cujus est solum ejus est usque ad Cœlum.*'"

Again, in the same Play, the two ladies are discussing the further punishment of the fat knight.

"May we," says Mrs. Ford, "with the *warrant* of womanhood and the *witness* of a good conscience, pursue him with any further revenge?"

In replying to this enquiry, Mrs. Page observes:—"If the Devil have him not in fee-simple, with fine and recovery, he will never, I think, in way of waste attempt us again."

The ladies were supposed to know that a "warrant" and a "witness" are the two indispensables to the trial, conviction, and punishment of an offender, and that the highest estate that the Devil could hold in any victim was a *fee-simple*, strengthened by *fine* and *recovery*.

The following illustration of the terms in which judges are accustomed, even to this day, to speak of their fellow judges, countenances, Lord Campbell thinks, the supposition that the writer may often have been in the presence of such personages. It is from *Measure for Measure*, where Escalus speaks of his fellow judge, Angelo:—

"Provost, *my brother* Angelo, will not be altered. Claudio must die. If *my brother* wrought by my pity, it should not be so."

American judges, as well as English, Lord Campbell states, still retain this phraseology, and he quotes an example.

The charge or address given by Dogberry to the constables in *Much Ado about Nothing* is quoted by Lord Campbell as an admirable parody on a judge's charge to a Grand Jury.

"When Justice Shallow," he says, "gave his charge to the Grand Jury at sessions in the county of Gloucester, we may conjecture that some of his doctrines and directions were not very wise;" and he adds, "Judges of the superior courts, in former times, made themselves ridiculous by expatiating in their charges to Grand Juries on vexed questions of manners, religion, politics, and political economy." But the most curious feature in Dogberry's address is that he uses the very words of the oath administered to the Grand Jury even at the present day—

"Keep your fellows' council and your own."

A knowledge of terms employed in the higher branches of law is displayed in the 3rd Act of *As You Like It*, where the Usurper Duke, desiring all the real property of a man to be seized, orders a *writ of "Extent"* against him, in language which would be used by a Lord Chief Baron of the Exchequer in Lord Campbell's own day :—

"Make an *Extent* upon his house and lands," orders Duke Frederic, an *extendi facias* applying to house and lands, as a *fieri facias* would apply to goods and chattels, or a *capias ad satisfaciendum* to the person.

The author of these plays is too well instructed in law to confound one course of procedure with another, and has, moreover, humour as well as knowledge to turn into ridicule those that do. In *Measure for Measure*, Elbow, the Constable, is slandered by some imputations on his character.

"Prove this," he says, "thou wicked Hannibal, or I'll have my '*action of battery*' on thee."

"If he took you a box-o'-th'-ear," says Escalus, the Judge, in ridicule of his ignorant misapplication of his legal remedy, "you might have your *action for slander* too." Or, again, in *Much Ado About Nothing*, where Dogberry lays down the law

that it was *flat perjury* to call a prince's brother villain, or "*flat burglary* as ever was committed" to receive money for accusing a lady wrongfully.

So in *Henry VIII.*, says Lord Campbell, we have an accurate statement of the *omnivorous* nature of a *writ of præmunire*, a description of instrument with which the narrow experience of a country lawyer's office would be scarcely likely to familiarise any person:—

> "Lord Cardinal, the King's further pleasure is,—
> Because all those things you have done of late
> Fall into the compass of a *præmunire*,—
> That therefore such a writ be sued against you;
> *To forfeit all your goods, lands, tenements,*
> *Chattels, and whatsoever, and to be*
> *Out of the King's protection.*"

From the *Merchant of Venice*, Lord Campbell derives a variety of illustrations of the familiarity of the writer with legal terms and practice. The details of the preparation of Antonio's bond to Shylock are, he says, according to all the forms observed in an English attorney's office. He notices that punctual payment of the debt is expressed in the legal technical phrase, "Let good Antonio *keep his day*." The last scene in the last act contains, he observes, a palpable allusion to English legal procedure. In the Court of Queen's Bench, he says, when a complaint is made against a person for "contempt," the practice is that, before sentence is finally pronounced, he is sent into the Crown Office, and being there "*charged upon interrogatories*," he is made to swear that he will "*answer all things faithfully*."

In the moonlight scene in the *Merchant of Venice* at Belmont, after a partial explanation respecting the rings, Portia says to Bassanio,—

> "'Let us go in,
> And *charge us there upon inter'gatories;*
> *And we will answer all things faithfully.*'"

In the *Winter's Tale* there is an allusion, says Lord Campbell, to a piece of English law procedure which, although it might have been enforced till very recently, could hardly

be known to any except lawyers, or those who had themselves actually been in prison on a criminal charge—viz., that whether guilty or innocent the prisoner was liable to pay a fee on his liberation. Hermione, trying to persuade King Polixenes to prolong his stay at the Court of her husband, says to him:—

> "I should yet say, 'Sir, no going';
> Force me to keep you *as a prisoner*,
> Not like a guest; *so you shall pay your fees*,
> *When you depart*, and save your thanks."

The Lord Chancellor as Speaker of the House of Lords, and the Speaker of the House of Commons, still say to prisoners about to be liberated from the custody of the Black Rod or Sergeant-at-Arms, "You are discharged, *paying your fees.*"

Jack Cade's proclamation to the rioters in the second part of *King Henry VI.* is cited as containing some considerable knowledge of jurisprudence. The following passage, in which he seems to have anticipated the movement of latter days for the enfranchisement of the ladies, is perhaps the most to the purpose of the present paper:—"We charge and command that their wives be *as free as heart can wish, or tongue can tell.*"

Strange to say, observes the learned commentator, this phrase, or one almost identically the same—viz., "*as free as tongue can speak, or heart can think*," is feudal, and was known to the ancient law of England. In the tenth year of King Henry III., Lord Chief Justice Hussey in a judgment, delivered the opinion of the whole Court of King's Bench as to the construction to be put upon the words, "*as free as tongue can speak, or heart can think.*"

In noticing *King Lear*, Lord Campbell refers to a remarkable example of the use of technical legal phraseology. Edmund, the wicked illegitimate son of the Earl of Gloucester, having succeeded in supplanting his legitimate brother Edgar in the affections of their father, the Earl is thus made to express his determination to disinherit Edgar, and leave his possessions to Edmund:—

"And of my land,
Loyal and natural boy, I'll work the means
To make thee capable."

In forensic discussions respecting legitimacy the question is put whether the individual whose status is to be determined is "capable," that is, capable of inheriting; but only a lawyer would express the idea of legitimatising a natural son by simply saying,

"I'll work the means
To make him *capable.*"

Again, Act III., we find a word employed, not in its ordinary, but in its juridical sense—the word "comforting." The Duke of Cornwall, misled by the calumnies of Edmund to believe that his father, the Duke of Gloster, was unfaithful to his liege lord, says to Edmund, "Seek out where thy father is, that he may be ready for our apprehension." Edmund says, "If I find him *comforting* the king, it will stuff suspicion more fully."

Now, the indictment against an accessory after the fact for treason charges that the accessory "comforted" the principal traitor, after knowledge of the treason.

But, says Lord Campbell, the grave-digger's scene in *Hamlet* produces the richest legal ore. The discussion as to whether Ophelia was entitled to Christian burial, proves that the writer of the play had read and studied Plowden's report of the celebrated case of "Hales *v.* Petit," tried in the reign of Philip and Mary, and that he intended to ridicule the counsel who argued and the judges who decided it. Sir James Hales, a puisne judge of the Common Pleas, went out of his mind, and drowned himself by walking into a river. Upon an inquisition before the coroner, a verdict of *felo de se* was returned. His body was buried at a cross-road, and his goods were forfeited to the Crown. Among his possessions was a lease for years of a large estate in Kent, granted jointly to him and his wife Margaret, who survived him. Upon the supposition that this lease was forfeited, the Crown granted it to one Petit, who entered upon possession, and Dame Margaret Hales brought this action against him to recover it.

The question was whether the forfeiture, the foundation of which was his suicide, could be considered as having taken place in the lifetime of Sir James Hales, because, if not, the widow certainly took the estate by survivorship. It was argued on her behalf that the offence of suicide being the killing of a man's self, could not be completed in his lifetime; for as long as he was alive he had not killed himself, and the moment that he died the estate vested in the widow. The felony of the husband shall not take away her title by survivorship; for in this matter of felony two things are to be considered: first, the cause of the death; second, the death ensuing the cause. These two make the felony, and without both of them the felony is not consummate. Forasmuch as he cannot be attainted of his own death, because he is dead before there is any time to attaint him, the finding of his death by the coroner is by necessity of law equivalent to an attainder in fact, coming after his death. He cannot be *felo de se* till the death was fully consummate; and the death, upon which the right of the survivor ensues, precedes the felony and the forfeiture.

On the other side it was argued for the defendant Petit, the man in possession under the Crown's grant, that the felony was to be referred back to the act which caused the death. *That the act consists of three parts—the imagination of it, the resolution to do it, and the perfection or execution of it.* That of all the parts the doing of the act is the greatest in the judgment of the law, and is, in effect, the whole. Finally, that the act done by Sir James Hales, which is evil, and the cause of his death, is the throwing himself into the water, and the death is but a sequel thereof.

The Court gave judgment for the defendant Petit, holding, as the judgment set forth, that, although Sir James Hales could hardly be said to have killed himself in his lifetime, "the forfeiture shall have relation to the act done by Hales in his lifetime—viz., the throwing himself into the water. Said they: "Sir James Hales was dead, and how came he to his death? By drowning. And who drowned him? Sir James Hales. And when did he drown him? In his lifetime. So

that Sir James Hales, being alive, caused Sir James Hales to die; and the act of the living man was the death of the dead man. He therefore committed felony in his lifetime, although there was no possibility of the forfeiture being found in his lifetime; for until his death there was no cause of forfeiture."

The argument of the grave-diggers in Ophelia's case, says Lord Campbell, is almost in the words reported by Plowden :—

1st Clo. Is she to be buried in Christian burial that wilfully seeks her own salvation?

2nd Clo. The crowner hath sat on her, and finds it Christian burial.

1st Clo. How can that be, unless she drowned herself in her own defence?

2nd Clo. Why, 'tis found so.

1st. Clo. It must be *se offendendo*; it cannot be else. For here lies the point: if I drown myself wittingly, it argues an act, and an act hath three branches—it is to act, to do, and to perform. Argal she drowned herself wittingly. . . . Here lies the water—good; here stands the man—good. If the man go to this water, and drown himself, it is, will he, nil he, he goes; mark you that; but if the water come to him, and drown him, he drowns not himself. Argal, he that is not guilty of his own death shortens not his own life.

2nd Clo. But is this law?

1st Clo. Aye, marry, is t', crowner's quest law.

Hamlet's own speech on taking in his hand what he suggests might be the skull of a lawyer, abounds, says Lord Campbell, with lawyer-like thoughts and words :—

"Where be his quiddits now, his quillets, his cases, his tenures, and his tricks? Why does he suffer this rude knave now to knock him about the sconce with a dirty shovel, and will not tell him of his action of battery? This fellow might be in 's time a great buyer of land, with his statutes, his recognisances, his fines, his double vouchers, his recoveries. Is this the fine of his fines, and the recovery of his recoveries, to have his fine pate full of fine dirt? Will his vouchers vouch him no more of his purchases, and double ones too, than the length and breadth of a pair of indentures?"

These terms of art, comments the learned commentator, are all used seemingly with a full knowledge of their import, and it would puzzle some practising barristers with whom I am acquainted, to go over the whole *seriatim*, and to define each of them satisfactorily.

In *Anthony and Cleopatra*, Bacon finds Lepidus trying to palliate the faults of Anthony, in the language of a conveyancer's chambers, in Lincoln's Inn, or shall *we* say Gray's Inn :—

> "His faults in him seem as the spots of heaven,
> More fiery by night's blackness ; *hereditary*,
> *Not purchased.*"

That is to say, they are taken by descent, not by purchase. This use of the word "purchased" is curious. Lay persons understand by *purchase*, buying for a sum of money called the price ; but lawyers employ the term *purchase* in contradistinction to descent, so that all things come to the owner either by *descent* or *purchase*, and that whatever does not come through operation of law by *descent* is *purchased*, although it may be the free gift of a donor. So again in the 2nd part of *Henry IV.*, Act iv., Scene iv., the king who had usurped the crown says to the Prince of Wales:—

> "For what in me was *purchased*
> Falls upon thee in a more fairer sort."

That is, what I took by *purchase*—usurpation—you will take by descent. Lord Campbell quotes two law-jokes on this subject, with which I will venture to enliven this dissertation. A law lord who had suffered much from gout, although very temperate in his habits, says: "I take by descent, not by purchase." Again, Lord Chancellor Eldon, a very bad shot, having insisted on going out quite alone one day, brought home a heavy bag of game. Lord Stowell, his brother, said: "My brother takes his game not *by descent*, but by *purchase*." The word was used here, we may assume, in its popular sense.

Lord Campbell further cites a great variety of legal phrases and forms of expression, showing, if I may so say, that the writer thought in law; but I have preferred to employ for the present purpose passages demonstrating more conclusively than the casual use of words could do, a real knowledge of law; and, moreover, a knowledge of it in regard to matters not likely to fall within the professional practice of a country attorney's office.

Lord Campbell's "judgment" may be epitomised in the following extract from it:—

"Were an issue laid before me whether William Shakspere, of Stratford-upon-Avon, gentleman, ever was clerk in an attorney's office, I should hold that there is evidence to go to the jury in support of the affirmative, and I should tell the twelve gentlemen in the box that it is a case entirely for their decision, without venturing even to hint to them for their guidance any opinion of my own."

You must remember, he observes, that you are requiring us implicitly to believe a fact which, were it true, some positive, and irrefragable evidence in Shakspere's own hand-writing, might have been forthcoming to establish it. Not having been actually enrolled as an attorney, neither the records of the local court at Stratford, nor of the superior courts of Westminster, would present his name. But it might have been reasonably expected that there would have been deeds or wills witnessed by him still extant, and after a very diligent search none such can be discovered.

Having concluded, Lord Campbell adds, my examination of Shakespeare's juridical phrases and forensic allusions, on the retrospect, I am amazed, not only by their number, but by the accuracy and propriety with which they are uniformly introduced. There is nothing so dangerous as for one not of the craft to tamper with our free-masonry. What you have mainly to rely upon is the seemingly utter impossibility of Shakespeare having acquired *on any other theory* the wonderful knowledge of law which he undoubtedly displays.

Mr. Fearon thought that the skill shown by Mr. Watts, not a professional lawyer, in handling legal topics and phraseology, might be turned against his argument that Shakespeare, because he shewed a similar skill, must have been one. This branch of evidence adduced by Mr. Watts is of peculiar importance. Anyone showing a real mastery of legal phraseology must not only have served an apprenticeship, but a long

one, before he can have become thus accomplished. The language of the law is, to outsiders and to beginners, utterly unknown and distasteful. Even those who devote themselves professionally to it find it as difficult to acquire as a foreign language. Many legal students are at first repelled by it, and so far from taking a delight in the strange jargon, are unwilling to assimilate it. A learner takes years to become pleasantly familiar with it, so as to be able to use it accurately and naturally, and to take a pleasure in doing so. Such a power and such an inclination to play with legal phraseology as the writer of the Shakespeare plays possessed, must have been acquired by a professional training, and one extending over a good many years. For he makes no mistakes; he puts the right words, phrases, and allusions into their right places; he toys with them; he turns metaphors on them, and employs them appropriately, so as to add point and variety to his sentences. He is a legal adept, a professional expert, not a smatterer with a limited range of selection. His legal knowledge has evidently become ingrained in his system. The evidence which Mr. Watts has brought to our notice of this genuine legal knowledge in Shakespeare, and of the writer's ready capabilities of handling it, is therefore specially significant. As a condition of its existence, we are compelled to find a place in the biography of the writer of the plays for a period, and no short one, of legal education and practical experience. No evidence of, and no room for, such period exists in the life of William Shakspere. It is needless to add how completely, on the other hand, the training and avocations of Francis Bacon fulfil the required conditions.

Mr. Theobald referred to Shakspere's will. A lawyer might be expected to make his own will, and in the drawing up of this document his personal and professional qualities are combined. William Shakspere's will is evidently the work of a hack scrivener; there is no trace in it of the great personality that we call Shakespeare. Mr. W. H. Smith pointed out that the lawyer who drew it up apparently expected it would not be signed by the testator, "for in the attestation clause the word 'seal' was originally written, and run through, and the word

'hand' written above it." Bacon's will, on the other hand, was evidently his own composition, and bears evidence that it was the production at once of a scholar and a lawyer. His own individuality is clearly reflected in it.

Mr. W. Scott Moncrieff referred to the many other departments of knowledge in which Shakespeare showed great competence, especially diplomatic and Court life. This requires special training and experience quite as much as legal knowledge; and it will be well worth while for some one to pick out the passages in Shakespeare that prove him to have been well versed in all the usages of diplomatic and Court life. Here also Bacon's antecedents fit the facts well; but it is not easy to conceive how William Shakspere could have known anything about it.

Mr. Watts, in acknowledging a vote of thanks for his paper, disclaimed any title to the compliments which had been kindly paid him upon it. He was, he said, "but a gatherer who disposed of other men's stuff," and he had merely epitomised some of the most salient of the arguments and illustrations in Lord Campbell's book. He expressed concurrence in the remarks of Mr. Scott Moncrieff, referring to the many essays which had been written to illustrate the extraordinary proficiency displayed in such varied branches of human knowledge on the part of the writer of the Shakespearian dramas, such as gardening, medicine, statesmanship, Court and diplomatic life; and expressed the hope that the Society might be favoured by some of its members taking especial interest in any of such subjects, with papers upon them, all tending, as he conceived they must do, to identify the writer, with one who could justly say of himself, as Bacon said of himself in his letter to Lord Burghley, written in his thirty-first year, "I have taken all knowledge to be my province." He thanked Mr. Theobald for the additional illustration of the subject afforded by his reference to the respective wills of Shakspere and Bacon.

MR. DONNELLY'S CIPHER.

A Paper Read by Mr. R. M. Theobald to the Bacon Society.

The following is an account, founded partly on a letter from Mrs. Pott, and partly on paragraphs from the *Minneapolis Globe* newspaper, which Mrs. Pott has been so good as to supply, of the progress and prospects of Mr. Donnelly's Cipher. Mr. Donnelly willingly avails himself of the services of a newspaper interviewer, for he says that since the largest newspapers re-publish his utterances, he is thus saved much trouble in writing, and that the correspondence which is forced upon him, added to the letters which come to him in the way of business, would completely absorb his time if he devoted himself to indiscriminate letter writing. For the English public, therefore, he keeps to one correspondent, who is able to give publicity to anything that is considered interesting. He says that the American press, which was at first scornful, and even virulent, now seldom has an unpleasant article. The literary world there has outgrown its bigotry, to say the least of it, and it seems to be left to the English Press to treat the cipher with the same scorn which it shows to every other branch of the Bacon-Shakespeare question. He is now in actual negotiation with a well-known publishing house, and as soon as terms are concluded he will begin sending copy to the press, and will advertise his book as "in the press." In America he intends to publish the book by subscription, for no advertising or pushing will be necessary in this case, and he finds it desirable in order to secure a more fair division of profits than is given to the author by the usual American system. Mr. Donnelly writes with abundant vivacity; he is evidently exhilarated by his discovery, and is quite ready to invest himself with the robe of literary immortality. In his usual animated style, he again insists upon all that he had before asserted as to the absolute certainty of his discovery, and his conviction that it will utterly smash, pulverise, and demolish all the arguments and opposition to the

Baconian authorship. He amuses himself with anticipating the various explanations and excuses by which learned Shakespearians will evade the just reproaches which he supposes we Baconians are ready to launch against them (not, let us hope, in any very spiteful fashion), when they find that they have been passing judgment before hearing the pleas, and opening the doors of their asylums for the reception of persons whose mental soundness will be found to be superior to their own. He is very sanguine in his assurance that the end of all doubt and disputation is at hand, and that the Baconians will soon find themselves in complete and calm possession of the Shakespearian citadel.

Mr. Donnelly is ready to admit that even if there had been no cipher in the plays, or if such cipher had remained buried and undiscovered, yet the arguments in favour of the Baconian authorship, steadily growing and linking themselves on to all facts bearing upon the case, in the history of William Shakspere and of Francis Bacon, and generally to all the literary and historic circumstances of the Shakesperian era, would gradually have converted the world to a belief that Bacon wrote the plays. This, however, would not have happened in the present generation—we should all have passed away, scoffed at, and as far as possible suppressed. But this generation, rooted in its traditions, possessed and governed by its bigotries and hallucinations, would also pass away. A new world would then arise, that would gradually but surely sweep away the cobwebs of old traditions, and disencumber itself of the darkening cloud of vested literary interests, taking its opinions from the leading minds of the past generation, whose writings and discourses would in process of time give form and substance to the general stream of thought and opinion which becomes the currency of a new era. It is ever the few who think original thoughts, and for the most part original thoughts are unpopular. Those who are unoriginative regard them as reflections upon their own density, and therefore such thought must remain unappreciated and unrecognised till it has ceased to be a stranger and a *parvenu*, and has become naturalised and domesticated. It was for the future that Francis Bacon wrote,

and his future even now has scarcely dawned. The many do not think; they are content to believe, which is easier; or to assert, which is easiest of all. There is but one architect to any great building; the many workers are faithful to their limited department—they are the hodsmen and bricklayers of the structure, but they never look at the plans, and have no eye for the whole design which they are helping to construct. Out of a million of people who talk of Bacon and Shakespeare, are there one hundred thousand who read their works? And out of these is there one in ten capable of grasping their full meaning? Surely not. And yet it is this small minority who furnish the multitude with opinions; and the multitude is quite satisfied, and persuades itself that these opinions, which have somehow found admission to their open mouths while they have kept their eyes shut, are the genuine emanations of their own fecundating intelligence. However, the cipher will end discussion. All probable arguments, all plausible guesses, all circuitous and circumstantial reasoning will retire when the absolute and incontestible proof, stronger than affidavits, more irresistible than documents, bears down all opposition. The imperial glory of the cipher will supersede the lesser sovereignties of the numerous provinces in the Baconian Empire.

This may be taken as an approximate, not verbatim, report of Mr. Donnelly's communication. Much the same impression, with rather more detail, and more conversational smartness, is conveyed by the account of the interviewer. We will reproduce the most salient features of this interview:—

Yes, sir! My work is progressing admirably. Am I confident of the existence of the cipher? Certainly! Why not? How can one doubt the evidence of his senses? If you will get the February (1887) number of the *Shakesperiana*, published in Philadelphia, and look on page 94, you will find there a sample of the cipher, which shows its purely arithmetical character, and its wonderful accuracy. The whole of the cipher story is told in the same way. There is no room for self-deception, no scope for the imagination. A man might be as mad as a March hare, but he cannot add up fifty so as to make it twenty. I am neither deceived myself nor

deceiving others. I give the instance of the cipher copied into *Shakesperiana* simply as a specimen brick, to show how the grand and wonderful edifice was constructed.

While I am gratified at the interest taken in my work, I have not sought to force it on the attention of the newspapers or the public. I can appreciate that interest, but am not surprised at the incredulity of the world. But let the doubting Thomases get the copy of *Shakesperiana* I have referred to, and study the figures there given, and there is not an intelligent man who will say that the results there shown could possibly have been the result of accident. And if not accidental, then there is a cipher narrative in the plays, and I have found part of it; and is it unreasonable to ask the public to believe that, having found part of it, I may not, after six years of diligent study, have found the whole of it? Cannot the critics be charitable enough to say of me, as was said of Heraclitus the Obscure, by some one who had read his book, "What I can understand I find to be reasonable, and what I cannot understand I suppose to be reasonable"? As I have already demonstrated and published many curious arithmetical relationships in the text of the great folio of 1623, which had escaped the notice of all the commentators for nearly three hundred years, why may I not have gone deeper into the mine, and found much other treasure yet to be revealed?

What is the cause of the delay in publishing? Simply because the work is vaster than I imagined. I started with an expectation of finding one or two cipher words on each page; then I advanced to a dozen or two; then to a score or two; then I thought the cipher words were one-fifth of the text, according to Bacon's cipher rule, where he tells us "the writing infolding holdeth a quintuple relation to the writing infolded." Now I find that more than half the words are cipher words, and that many words, as in the sample given in *Shakesperiana*, are made to do double and treble duty. In the plays of *First* and *Second Henry IV.* Bacon intended to leave, for the astonishment of all time, a piece of work the most ingenious and marvellous ever constructed by the wit of man. How any human intellect could have achieved such a work

is a matter of daily surprise to me. I could not believe it myself, if my arithmetical rule, applied with the utmost rigidity and precision, did not prove it to me every hour of the day. Imagination! There isn't any more imagination in the work I am doing than there is in the labours of a first-class book-keeper in a mercantile establishment, and my work will prove itself, just as his does, by the fact that every other man, going over it carefully, must reach the same results.

What does the story tell? Well, that is my secret for the present. What is the use of my discounting my book? I will only say that the story is a wonderful one, and relates to about the most wonderful creature that ever lived on the earth. Francis Bacon, instead of being the cold-blooded philosopher he is generally accounted, possessed a most volcanic nature, of which the great dramas are but the lurid reflection on a dark background.

When will I publish? I could publish now, and satisfy the world of the existence of the cipher. The question is, when to shut down in the midst of a most interesting narrative. I hope to get my book to the printer by July.

But be assured of one thing. When my book is published it will not only be the great sensation of the century; but, by its revelations, the greatest literary sensation of the ages. Its influences, in a thousand directions, upon history, biography, poetry, and even religion, will be incalculable.

Before I put my work into the hands of the printer, I propose to submit it to a few of the leading scholars of America, satisfy them of the reality of the discovery, and procure their statement to that effect, before I ask any man to buy a copy.

This is the substance of Mr. Donnelly's last communication. We give it thus in detail, because the very suggestion of a cipher narrative in the 1623 folio must be a matter of highest interest to all who are favourably impressed with Bacon's claim to be the genuine Shakespeare. At the same time we are not yet in a position to give a very positive opinion about Mr.

Donnelly's alleged discovery, and we do not commit ourselves to any certificate for or against it. The repeated delays are a little tantalising, and might well provoke some measure of stand-offishness in a doubting mind. But it is plain that Mr Donnelly's work must be a very laborious affair, and as he is a busy man, with many private interests and public duties pressing upon his attention and occupying his time, it is quite reasonable to suppose that the delays may be greater than he could anticipate; and, after all, if the cipher is a reality, it is worth waiting for, and we shall easily recall our complaints and forgive the delays, if ultimately the result justifies the large promises.

> All's well that ends well; still the fine's the crown;
> Whate'er the course, the end is the renown.

Some items in Mr. Donnelly's anticipated narrative—so far as they are announced—are, we must confess, entirely distasteful to us. For instance, the suggestions that the narrative unfolded is supreme, and the plays infolding only subordinate, is absolutely incredible. Mr. Donnelly is apparently so spell-bound by the magic genie which he is watching as it gradually emerges from its long imprisonment, that he is ready to think that the vase which held this mighty being was only constructed for this purpose, and may be thrown back into the sea of oblivion, if only we can secure the wonderful person it has held in captivity so long. Whatever comes of the cipher, the plays must remain at the summit of the world's literature. The world will never undervalue the casket, however priceless may be the jewel which it contains, and probably Mr. Donnelly will not expect everyone to see the relative proportions of the two with exactly his eyes. The narrative itself, so far as we can judge from the few hints given, will make strong demands upon our belief; we may, however, rest satisfied that Macaulay and his many followers will find in it no "comfort or corroboration," and that it will contain nothing which can shake our confidence in the essential goodness as well as greatness of Bacon's character, while it will immensely augment our estimate of the grasp and vigour of his intellect.

BACON AND SHAKESPEARE ON THE SOLACE DERIVED FROM CONTEMPLATION.

By Mr. R. M. Theobald.

Bacon's sudden fall from the loftiest heights of place and dignity, to the lowest depths of calamity and disgrace, is one of the most tragic events of personal history ever recorded. The pity and the pathos of it is infinite. Bacon was unprepared for it. No qualms of conscience, no sense of danger, disturbed his righteous security. If the ground beneath him was undermined, he was absolutely unconscious of it; and even when the nature of his peril became clear, he had no moral guilt to confess, only a very venial carelessness. Absolutely just himself, he yet discovered, to his astonishment, that he was constructively corrupt, and he fell, never to rise again. It was a blow which would have crushed any one endowed with less heroic powers of endurance, and fewer sources of relief; but, like Job, he held fast to his integrity, and would not be extinguished by the disaster which had befallen him. My object in reminding you of these well-known facts is to direct your attention to a very remarkable kind of consolation which Bacon found in his grief. He sought relief in many ways; he found it in religion—he found it in work—and he found it in philosophy or contemplation. This last method of self-solace—by contemplation—is well deserving of careful study: it is the most singular and characteristic of all. Many in their ruin seek consolation in religion; many others in the sympathy and affection of faithful friends and kindred; others drown their grief in absorbing occupations. These comforts Bacon also had, but he added another: he found relief by a sense of fellowship with the greatest men of former times who had been plunged into similar calamity. By a strong effort of imagination he summoned into his presence the mighty dead

who had suffered in a way resembling his own case, and found a noble relief in their companionship. There is something interesting and almost unique in this mental attitude; it sounds more like a dream of poetry than a fact of experience. It could only be possible to a mind in which the dramatic, realizing powers of the imagination are the supreme, ever-governing principles of life. That Bacon could thus take refuge in an ideal world we have his own letters to testify:—and these I will introduce to your notice with a few words of additional preface.

In 1622 the political relations between England and Spain induced Bacon to write a discourse, or "advertisement," as he termed it, "touching a holy war," in which he thought the king might combine with the Spanish emperor to subdue their common enemy, the Turk. This discourse is prefaced by a letter of dedication to "The Right Reverend Father in God, Lancelot Andrews, Bishop of Winchester," one of Bacon's most trusted personal friends. This dedication opens in these terms:—

"My Lord,—Amongst consolations, it is not the least, to represent to a man's self like examples of calamity in others. For examples give a quicker impression than arguments; and, besides, they certify us that which the Scripture also tendereth for satisfaction, *that no new thing is happened unto us.* This they do the better, by how much the examples are liker in circumstances to our own case; and more especially if they fall upon persons that are greater and worthier than ourselves. For as it savoureth of vanity to match ourselves highly in our own conceit, so, on the other side, it is a good, sound conclusion, that if our betters have sustained the like events, we have the less cause to be grieved.

"In this kind of consolation I have not been wanting to myself, though, as a Christian, I have tasted (through God's great goodness) of higher remedies. Having, therefore, through the variety of my reading, set before me many examples both of ancient and later times, my thoughts, I confess, have chiefly stayed upon three particulars, as the most eminent and the most resembling. All three, persons that had held chief place of authority in their countries; all three ruined, not by war, or by any other disaster, but by justice and sentence, as delinquents and criminals; all three famous writers, insomuch as the remembrance of their calamity is now, as to posterity, but as a little picture of night-work, remaining amongst the fair and excellent tables of their acts and works; and all three (if that were anything to the matter) fit examples

to quench any man's ambition of rising again; for that they were every one of them restored with great glory, but to their further ruin and destruction, ending in a violent death. The men were, Demosthenes, Cicero, and Seneca; persons that I durst not claim affinity with, except the similitude of our fortunes had contracted it."

And then he pursues the comparison by giving details of their several cases, and their bearing upon his own case.

We may see, further, how these historic parallels impressed him by another reference which he made to them in a letter to the king, dated July 16, 1621 :—

"'*Utar*,' saith Seneca to his master, '*magnis exemplis, nec meæ fortunæ sed tuæ.*' Demosthenes was banished for bribery of the highest nature, yet was recalled with honour. Marcus Livius was condemned for exactions, yet afterwards made consul and senator. Seneca banished for divers corruptions, yet was afterwards restored, and an instrument of that memorable *Quinquennium Neronis*. Many more. This, if it please your Majesty, I do not say for appetite of employment, but for hope that if I do by myself as is fit, your Majesty will never suffer me to die in want or dishonour. I do now feed myself upon remembrance how, when your Majesty used to go a progress, what loving and confident charges you were wont to give me touching your business. For, as Aristotle saith, 'Young men may be happy by hope'; so why should not old men, and sequestered men, by remembrance?"

Thus we see that Bacon found a real consolation in bringing before his mind's eye examples of calamity resembling his own: his shaping imagination gave actuality to these historic yet truly fanciful pictures. Here, surely, we have a most perfect example of the poetic temperament—one "of imagination all compact." We are accustomed to speak of the strength of creative imagination; but in Bacon's case it must have attained a development absolutely inconceivable to most men. It gave him a new heaven and a new earth, as real as that "substance of things hoped for, that evidence of things not seen," which is the highest prerogative of religious faith. It was a power to lift him out of the sordid level of his abject, degraded circumstances, and to antidote their malignant force. In his case, Shakespeare's poetic description of the miraculous power of imagination is almost a literal

prosaic report of actual experience. It could "body forth the forms of things unknown,"—

> "Turn then to shapes, and give to airy nothing
> A local habitation and a name.
> *Such tricks hath strong imagination,*
> *That if it would but apprehend some joy,*
> *It comprehends some bringer of that joy.*"
> —*M. N. D.*, V.j., 16—20.

If we wish for a commentary on this account of imagination, Bacon's case supplies it.

The writer of "Shakespeare" was evidently a man of the same type. He also could have said, "If our betters have sustained the like events, we have the less cause to be grieved"; and this is how he says it. Edgar, in *King Lear*, is the speaker:—

> "When we our betters see bearing our woes
> We scarcely think our miseries our foes.
> Who alone suffers, suffers most i' the mind,
> Leaving free things and happy shows behind.
> But then the mind much sufferance doth o'erskip
> When grief hath mates, and bearing fellowship.
> How light and portable my pain seems now,
> When that which makes me bend makes the King bow;
> He childed as I father'd."—*Lear* III., vi., 102—110.

No one, I presume, can fail to remark the astonishing similarity between the sentiments expressed by Bacon in his letter to Bishop Andrews, and those uttered by Edgar in the play.

It is, however, to be observed that this singular habit of finding comfort in the exercise of historic imagination was as characteristic of the dramatist as of the philosopher, and is repeatedly brought into the plays and poems. In *Pericles*, Cleon, the governor of Tharsus, in the midst of the famine which is desolating the city, says to his Queen, Dionyza,—

> "My Dionyza, shall we rest us here,
> And, by relating tales of other's griefs,
> See if 'twill teach us to forget our own?"
> —*Per.* I., iv. 1—3.

Richard the Second, in the agony of his despair, says,—

> " Of comfort, no man speak . . . .
> For God's sake, let us sit upon the ground
> And tell sad stories of the death of kings."
> —*Rich. II., III.*, ii., 144, 155-6.

A still more striking illustration of the same habit of mind is found in *Hen. V.*—more striking, I say, because the circumstances of the dramatic situation are not such as to suggest the need for any strong effort of fancy, in order to conjure up imaginative relief. The English army is encamped before Agincourt, and King Henry is visiting his soldiers at night in their tents, seeking to inspire them with courage and confidence. He meets old Sir Thomas Erpingham, a venerable man, who might, on account of age and infirmity, have been justified in declining field duty, and stayed at home; and the King thus greets him:—

> " Good morrow, old Sir Thomas Erpingham!
> A good soft pillow for that good white head
> Were better than a churlish turf of France."

To which salutation Epingham replies:—

> " Not so, my liege; this lodging likes me better,
> Since I may say, now lie I like a king."

And the king in reply, moralises in this fashion:—

> " 'Tis good for men to love their present pains
> Upon example; so the spirit is eased;
> And when the mind is quickened, out of doubt,
> The organs, though defunct and dead before,
> Break up their drowsy grave, and newly move
> With casted slough and fresh legerity."
> —*Hen. V.*, IV., i., 13—23.

It is worth noting how here also the turns of expression used by the poet closely correspond to those used by Bacon in his dedicatory letter:—" This likes me better;" " 'Tis good for men to love their present pains upon example;" are sentences of the same stamp as those in the prose; while the resemblance in idea is again quite startling.

In this passage from *Henry V.*, the sentiment is doubtless

very appropriate to the dramatic situation to which it is attached; but the relation is a very subtle one, and could, I apprehend, only have occurred to a mind of deeply philosophic cast, who had had occasion to become familiar with the idea by former experiences and meditations, and to speculate upon its extensions and variations. In the play of *Romeo and Juliet*, however, the sentiment is dragged in, by a singularly fanciful and almost distorted application of it, to a case where fellowship in woe is not really desired at all—but in which cases of hypothetical grief are summoned to bear company with a condition of actual grief. The dramatic situation is this :—Juliet has just been told that Romeo has been banished, because he has slain her cousin Tybalt; and in her passionate grief over the separation from her affianced husband, she says, that this, his banishment, is for her a worse misfortune than Tybalt's death.

> "'Tybalt is dead, and Romeo banished?'
> That 'banished,' that one word 'banished'
> Hath slain ten thousand Tybalts. Tybalt's death
> Was woe enough, if it had ended there:
> Or,—*if sour woe delights in fellowship,*
> *And needly will be ranked with other griefs,*—
> Why follow'd not, when she said—"Tybalt's dead,"
> Thy father, or thy mother, nay, or both,
> Which modern [*i.e.*, ordinary] lamentation might have moved?"
> *R. and J.*, III. ii. 112—120.

This is, indeed, a singular flight of fancy for a weeping bride to indulge in. It is not a natural suggestion arising out of her own case; it is evidently, and expressly, an imported sentiment derived from experiences of an entirely different character, and only related to the actual case by a deep metaphysic analogy. As a part of the dramatic presentation it is justified—so far as such a lovely outburst of passionate lamentation needs justification—by the principle that the dramatic poet is allowed to be the interpreter of the dim, half-realised, inarticulate throbs of feeling that lie hidden in the depths of the soul, incapable of shaping themselves, for the sufferer himself, in any form of distinct utterance. Thus, also,

the poet can see what the distracted girl could only vaguely feel, that her extravagant lamentations over her banished lover would have been toned down into a more restrained and rational form of expression, if it could have been brought into comparison with other possible types of misfortune. And this feature of Juliet's violent, unregulated grief brings it into relation with the psychologic law, which she expresses in words coloured by her own resentful sorrow,—"Sour woe delights in fellowship, and needly will be rank'd with other griefs." But, evidently, the deep psychologic truth here referred to has arisen out of a larger indignation than this situation can supply; it requires for its full evolution and for its clear expression some such language as Bacon—in the dark tragedy of his own life—employed in writing to his pious and sympathetic friend, Bishop Andrews. Perhaps his own earlier sorrows had taught him the same lesson; but the exact mould in which these sombre musings are cast seems to me almost unique, or only to be paralleled in the passages of Shakespeare, where identically the same mental attitude is also pictured.

This same habit of seeking comfort by imaginary companionship with "like examples," is so habitual to the poet that it turns up even in a burlesque or comic form. In *Love's Labour Lost*, the fantastical Spaniard, Armado, is in love with the peasant girl, Jaquenetta; and in the mental agitation arising out of this embarrassing circumstance, he resorts to the lively page-boy, Moth, for solace and recreation. The comfort which he seeks is of a very peculiar kind. "Comfort me! boy," he says. "What great men have been in love?" and the dialogue proceeds,—

Moth. Hercules, master.

Armado. Most sweet Hercules!—More authority, dear boy, name more; and, sweet, my child, *let them be men of good repute and carriage.*

Moth. Sampson, master.

And after some ingenious word-fence, Armado quotes another example, "The King and the Beggar," and in reference to this adds:—

"I will have that subject newly writ o'er, that I may example my digression by some mighty precedent."

You see, even in these early days, the dramatist was almost spellbound by the sentiment, "If our betters have sustained the like events, we have the less cause to be grieved."

This passage from *Love's Labour Lost*, is another illustration of a habit which has been already referred to; that of introducing the same conception in many phases, and especially in both comic and serious usage.*

We find other illustrations of the same sentiment, slightly varied, in the poem of *Lucrece*. The suffering lady is calling to mind all sorts of images of woe that might in some sort couple themselves with her own:—

> "So should I have co-partners in my pain;
> And fellowship in woe doth woe assuage,
> As palmers' chat makes short their pilgrimage."
> —*Lucrece*, 789—791.

And the poet himself describes her grief in these exquisite lines:—

> "The little birds that tune their morning's joy
> Make her moans mad with their sweet melody;
> For mirth doth search the bottom of annoy;
> Sad souls are slain in merry company;
> Grief best is pleased with grief's society;
> True sorrow then is feelingly sufficed,
> When with like semblance it is sympathised."—1107—1114.

And again the poet, after describing all the pictures which Lucretia has been contemplating, and the time "which she with painted images hath spent," adds:—

> "Being from the feeling of her own grief brought
> By deep surmise of other's detriment:
> Losing her woes in shows of discontent.
> It easeth some, though none it ever cured,
> To think their dolour others have endured."—1577—82.

I know it will be said that all these passages merely embody a common-place sentiment which has been current in all times,

* See page 72, "Bacon Journal," and the three successive *Promus* entries, Nos. 686—688.

and that in Bacon's time, anyone might have written in the same strain. Marlowe, in Faustus, introduces a Latin aphorism, *Solamen miseris socios habuisse doloris*—For the miserable it is a consolation to have companions in their sorrow. No one, I believe, has ever traced this motto to any classic author; it was probably invented for the play in which it was first introduced. But it seems to me that the application of the maxim which is habitually made by Bacon and Shakespeare is by no means a hackneyed common-place, nor an obvious induction from the sentiment that grief finds solace in companionship with those who grieve. The direct application of this rule would prompt the sufferer to find refuge in the personal sympathy and presence of those whose fellow-feeling has been educated by sorrow. This is not, however, the solace which Shakespeare describes, and which Bacon sought. In their point of view the companionship which gives relief is supplied by the sufferer himself, out of the stores of his own memory, and the realising, shaping quality of his own imagination. In this there is nothing domestic or social—there is no coaxing, soothing, sentimental, or narcotic flavour about it. It is a vigorous effort of thought—a rousing of the historic consciousness to evoke an ideal world. Like a man who is banished, and who, instead of idly bewailing his unhappy fate, and filling the air with his piercing lamentations, sets to work to explore the country in which he is forced to dwell, so Bacon, in his banishment, takes accurate measurement of the spiritual sphere into which his experience has introduced him, hunts up the aborigines of the country, and studies their circumstances, conditions, occupations, and the exact import of all these observations as related to his own personal experience. But this is all in the private "study of his imagination." There is no question of going into society,—*Socios habuisse doloris* —it is a supreme effort of exalted self-reliance, made by the sufferer himself, in the deep solitude of his own soul. Thus in the *Lear* passage, Edgar does not go to the poor, old, mad king for sympathy; he fights down his own misery by gazing and reflecting on the king's greater misery. In the *Pericles*

passage, the Governor of Tharsus, Cleon, does not fly to the society of those whose misfortune resembles his own; he talks about them, and makes an anodyne for himself by his own philosophical reflections. And Bacon cannot bring Demosthenes, Cicero, and Seneca, into his parlour; but they occupy his musings, and fill his mind. They are dramatically present, and in this "deep surmise of other's detriment," he is diverted from his own grief, and finds consolation

This, surely, is a most unusual way of behaving. It is *not* a common-place procedure for an agonised monarch to invite his companions, as King Richard does Aumerle and Scroop, to "Sit upon the ground and tell sad stories of the death of kings." The suggestion is so grotesque and melo-dramatic—something like tearing one's hair, or clothes, or the wild ὀτοτοτοι, and other multitudinous exclamations of a Greek chorus—that we are at first inclined to suppose that the dramatist intended to present a picture of a maddened, hysterical grief, in a feeble, dreamy, and somewhat egotistical nature, indulging in fantastic and utterly impracticable fancies. But when, in real life, we come across a fallen statesmen, whose faculties have not been in the least disordered by the blighting influence of misfortune, sitting in his study, and diverting his mind from his own griefs by telling sad stories of the fall of statesmen, we cannot help feeling a shock of surprise, beholding as we do the seeming extravagant fancies of the poet thus reproduced in fact and experience. If Bacon could console himself by this kind of contemplation, of course Shakespeare, to whom the most curious and unexplored regions of human experience were so strangely familiar, may have caught a glimpse of the same method, and may have intended, behind the hysterical ravings of a weak-minded king, to suggest untried resources for troubled minds; and the fact that this method is resorted to over and over again, by other sufferers in the plays, shews that the very remarkable type of character which Bacon's example presents, was one with which the dramatist had made himself perfectly familiar. This community of sentiment between Bacon and Shake-

speare, however it may be explained, is perhaps one of the most curious coincidences in literature.

Reverting to the passage quoted from *Lear*, it is to be observed that these particular lines were only published in the earlier Quarto Editions; they were omitted in the 1623 Folio. The Clarendon editor, Dr. William Aldis Wright, remarking on the omission, says, "Very properly so: there is nothing in the lines either of Shakespeare's language or manner." This seems to me a very startling criticism; for even if the "language and manner" appear at first sight non-Shakespearian, yet the sentiment is so remarkably characteristic of Shakespeare, as the parallel passages which I have quoted abundantly prove, that it seems rash to reject the entire passage on the lower consideration of "language and manner." Even in these respects however, I venture to question the judgment of the Clarendon editor. The peculiar phraseology of the last line—"he childed as I father'd," is thoroughly Shakespearian. In *Julius Cæsar*, Portia, the wife of Brutus, speaks of herself as "so father'd and so husbanded." Macbeth asks the men whom he is intending to employ for the murder of Banquo, "Are you so gospelled [so full of evangelical kindness], to pray for this good man, and for his issue?" "Who would not be so lover'd?" is to be found in *A Lover's Complaint*, and many other examples might be quoted.* The lines are doubtless cast in a different mould from the rest of the scene, and this is a sufficient explanation of their omission from the Folio Edition. But it is not unusual for Shakespeare to write in a somewhat heavy, didactic style. Mr. Richard Grant White, in discussing this same passage, suggests that it was a player's tag,—put in by the poet to oblige an actor whose vanity would be gratified by having the boards, and the falling curtain, and the audience all to himself; and he quotes several other passages, both from *Lear* and elsewhere, belonging to the same type. Especially noticeable is Friar Lawrence's disquisition in soliloquy on the virtues of plants in *Romeo and Juliet*, Act ii., sc. iii. And surely the parallel passage which I have referred to from

* See Abbott's Shakespearian Grammar, § 294.

Henry V., although very wise and philosophical, is rather laboured and prosy in "language and manner." If then, as Mr. R. G. White very pertinently asks, we once begin to suspect and reject for these reasons, where are we to stop? We should assuredly have a very mutilated edition of Shakespeare, if the editors were to indulge their expurgation fancies, and cut out all the bits that do not smell sweetly to the critic's nostrils. These passages, if not Shakespearian, are most of them strongly Baconian, and probably the critics would—if they could *without prejudice*—make a present to Bacon, of these heavy, didactic bits. Doubtless the difficulties, both of these and of many other puzzling passages, might be considerably lightened if we knew as much about the mental and personal peculiarities of William Shakspere as we do of Francis Bacon, his life, mind, and character.

As to the Baconian character of the *Lear* passage, it is worth noting that it is distinctly connected with several *Promus* entries. No. 454 is *Hæc quoque ab alterina grata dolore crucem*, a bit of corrupt Latin which may be translated —These pains also are pleasant by comparison with the grief of others. No. 944 is, *Better to bow than break*; which is easily transformed into the metrical equivalent,—

> "How light and portable my pain seems now,
> When that which makes me bend makes the king bow."

and the next entry, No. 945, *of sufferance cometh ease*, has evident affinity with the same passage. The entry 1,015, *Varioque viam sermone levabat*, And pleasing talk beguiled the tedious way,—belongs to the same mental atmosphere, and is doubtless reflected in the passage from Lucrece,—

> "And fellowship with woe doth woe assuage,
> As palmers' chat makes short their pilgrimage."

But the psychological resemblance indicated in the passages I have referred to is both deeper and more interesting than any merely textual coincidences.

Mr. MONCRIEFF, having referred to the dates of most of the passages quoted from Bacon and Shakespeare in the paper,

Mr. A. A. WATTS referred to the fact that the passages in the dramas quoted by Mr. Theobald, which show a similar attitude in calamity and misfortune to that presented by Bacon after his fall, were written many years before this happened. But Bacon, whose mind is reflected in all those passages, was, during his whole life, passing through periods of mortification. So that although these passages look prophetic, as if anticipating Bacon's catastrophe, they are only prophetic in the sense that the earlier experiences anticipate the later, and bring out the same qualities of mind and heart. Utterances similarly prophetic might be quoted from other poets. The almost prophetic faculty which is implied in the insight of the poet prompts the expression of ideas and the representation of states of mind which are ideal before they become actual. The poet can see in a comparatively small experience the laws and principles which are applicable to larger ones. So that in such cases dates are not to be inferred when the ideal picture becomes realised in actual life. The ideal foreshadowed may have taken long precedence of the fact.

In allusion to Mr. Theobald's remarks as to the power displayed by Bacon in presenting to the eye of his mind the experiences and lives of others, Mr. Watts drew attention to the definition of a poet in Wordsworth's preface to his Lyrical Ballads as one owning "a disposition to be affected more than other men by absent things as if they were present."

WHAT LAWYERS SAY ABOUT THE LAW IN SHAKESPEARE.

In reference to the legal burlesque contained in the grave-digger scene of *Hamlet*, Mr. Appleton Morgan remarks:—

"Plowden's report of the Crown case of Hales *v.* Petit is to-day, as it was then, accessible in Norman-Latin law jargon and black-letter type, utterly unintelligible to anybody but an expert antiquarian, and utterly unattractive to anybody, least of all to lawyers, not one in ten thousand of which body of average scholars has probably read it in translation, and not one of whom could be forced by an Act of Congress to open the tiresome original. So far as I can discover, law Norman or law Latin was just as unattractive to laymen in Elizabeth's day as it is to lawyers in ours; if possible more so. The decision in Hales *v.* Petit—on account of the standing of the parties' plaintiff—might have been (as I believe some commentators have suggested) town-talk for a day or two, but that its wearying, and to us ridiculous, dialectics of the argument and decision were town-talk, seems to me the suggestion of a very simple or a very bold ignorance as to town life and manners. Besides, nobody sets the composition of *Hamlet* earlier than Nashe's mention of "Whole Hamlets" (which Mr. Stokes says was in 1587 or 1589): whereas Hale *v.* Petit (reported in Plowden, 253) was tried in or about 1562 or 1563 (3 Eliz. Rot. 921). To suppose that the hair-splitting of a handful of counsel would remain town-talk for twenty-five years in London, in any age, is—I am willing to take the responsibility of saying—ridiculous. Reference to the arguments and proceedings in that case could only have been had from the Rolls, or from the pages of Plowden's Reports."—*Shakesperiana, vol. I. p.* 86.

Dr. Furnivall, in the introduction to the "Leopold Shakespeare," says: "Another tradition says that he was an attorney's

clerk; and that he was so at one time of his life, I, as a lawyer, have no doubt. Of the details of no profession does he show such an intimate acquaintance as he does of law. The other books in imitation of Lord Campbell's prove it to anyone who knows enough law to be able to judge. They are just jokes; and Shakespeare's knowledge of insanity was not got in a doctor's shop, though his law was (I believe) in a lawyer's office."